

Patent
Attorney Docket No.: P10-1439

REMARKS

Rejections under 35 U.S.C § 103(a)

Claims 1-6, 12-13 and 18-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. EP 0 790 143 ("Suzuki") in view of U.S. Patent Application Publication No. 2002/0195185 ("Choi"). Applicant has amended claim 1 to include the limitations of claim 12 so that Applicant claims a tire that includes, *inter alia*, a first crown reinforcement having cords being high elastic modulus at high stress organic fiber cords, a second crown reinforcement having a ratio τ of the tensile strength at high strain and high temperature to low strain at moderate temperature inferior to 1.5 and a pair of axially spaced edge plies. (Claim 1).

To establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 985 (CCPA 1974). All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970).

Applicant respectfully asserts that a *prima facie* case of obviousness has not been presented because the cited prior art references fail to teach or suggest all the claim limitations of pending claim 1. Specifically, the cited prior art references fail to teach a pair of axially spaced edge plies.

The Examiner states that Suzuki discloses a crown having a pair of axially spaced edge plies (7A, 7B) at section labeled WE. (Office Action, p. 2, ¶ 2). However, Suzuki discloses that a breaker belt 7 is comprised of at least two crossed plies 7A, 7B and are shown as such in FIG. 1. (Suzuki, Abstract and FIG. 1). Suzuki further discloses that in the section labeled WE, which is disclosed as being the width of the edge band 9B, each of the edge bands 9B covers *the edge portion 7e* of the breaker 7. (Suzuki, p. 3, lines 49-51). Therefore, Suzuki does not disclose a pair of axially spaced edge plies (7A, 7B) as stated by the Examiner, but instead discloses that the breaker belt 7 has an edge portion 7e. Since a pair of axially spaced edge plies is not the same as edge portions of a breaker belt, Suzuki does not suggest or teach each of Applicant's claimed limitations.

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It should be noted that Suzuki does disclose a pair of axially spaced edge plies 9B, but since this feature is being cited as the "second reinforcement cords," they are not available as being cited as the "axially spaced edge plies."

Since all claim limitations must be taught or suggested by the cited prior art to establish a *prima facie* case of obviousness, Applicant respectfully asserts that a *prima facie* case of obviousness has not been presented. Reconsideration and withdrawal of the rejection of independent claim 1, as amended, is requested as well as for all claims depending therefrom.

Claims 14-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. EP 0 790 143 ("Suzuki") in view of U.S. Patent Application Publication No. 2002/0195185 ("Choi") and further in view of U.S. Patent 5,032,198 ("Kojima"). Claims 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. EP 0 790 143 ("Suzuki") in view of U.S. Patent Application Publication No. 2002/0195185 ("Choi") and further in view of U.S. Patent No. 6,634,399 ("Sykora"). Claims 24-29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application No. EP 0 790 143 ("Suzuki") in view of U.S. Patent Application Publication No. 2002/0195185 ("Choi") and further in view of U.S. Patent 4,155,394 ("Sheperd").

For the reasons provided in the remarks above regarding independent claim 1, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 14-17, 20-23 and 24-29, all of which depend either directly or indirectly from independent claim 1.

Applicant respectfully asserts that all claims are now in condition for allowance and requests the timely issuance of the Notice of Allowance. If the Examiner believes that a telephone interview would expedite the examination of this pending patent application, the Examiner is invited to telephone the below signed attorney at the convenience of the Examiner. In the event there are any fees or charges associated with the filing of these

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documents, the Commissioner is authorized to charge Deposit Account No. 13-3085 for any necessary amount.

Respectfully submitted,

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